

**DEPARTMENT OF CALIFORNIA HIGHWAY PATROL**  
**SECOND MODIFIED NOTICE OF PROPOSED REGULATORY ACTION**

**TITLE 13, CALIFORNIA CODE OF REGULATIONS**  
**DIVISION 2, CHAPTER 6.5, AMEND ARTICLE 1, DEFINITIONS AND GENERAL PROVISIONS,**  
**SECTION 1200 AND 1201 AND ARTICLE 3, GENERAL DRIVING REQUIREMENTS, SECTION 1217,**  
**AND ARTICLE 4, ADDITIONAL REQUIREMENTS FOR SCHOOL BUS, SPAB, AND YOUTH BUS**  
**DRIVERS, SECTION 1221, 1222, AND ARTICLE 6, CARRIER REQUIREMENTS, SECTION 1232,**  
**AND ADDS NEW SECTION 1231.2 PAB VEHICLE INSPECTION**

**MOTOR CARRIER SAFETY**  
**PUPIL ACTIVITY BUSES**  
**(CHP-R-09-01)**  
**(OAL FILE No. 2011-0105-01S)**

California Vehicle Code (CVC) Section 34501 and 34501.5 requires the Department of the California Highway Patrol (CHP) to adopt reasonable rules and regulations which, in the judgment of the Department, are designed to promote the safe operation of vehicles described in CVC Sections 545 and 34500. Those regulations are contained in Title 13, California Code of Regulations.

Assembly Bill 830, Chapter 649, 2008, effective January 1, 2009, amended CVC, Section 545 (School bus), adding new subsection (k). This new subsection exempts motor vehicles designed to carry not more than 25 persons including the driver, from the definition of school bus when operated by a charter-party carrier of passengers; transporting school pupils to or from school related activities; and will not require a contractual agreement between the school and carrier to engage in school pupil transportation.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Since the last Modified Notice of Proposed Regulatory Action, in response to the Office of Administrative Law review, the California Highway Patrol has proposal to amend Title 13, California Code of Regulations (CCR), Section 1231.2 for clarity. CHP proposes to amend Section 1231.2(c) by replacing the word “ninety” with “seventy-five” for the vehicle inspection fee.

Furthermore, CHP created an Addendum to the Initial Statement of Reasons, and has provided more information regarding the fiscal impact to the state.

Pursuant to the requirements of Government Code Section 11346.8(c), and Section 44 of Title 1 of the CCR, the CHP is providing notice of the change made to the proposed regulations contained in Title 13, California Code of Regulations, Division 2, Chapter 6.5, Article 6, Carrier Requirements, Section 1231.2.

A copy of the Addendum to the Initial Statement of Reasons, a Second Modified Statement of Reasons, and the Second Modified Text is attached.

## **PUBLIC COMMENTS**

Any interested person may submit written comments on these proposed actions via facsimile to (916) 332-3154, by email to [cvsregs@chp.ca.gov](mailto:cvsregs@chp.ca.gov), or by writing to:

California Highway Patrol  
Commercial Vehicle Section  
ATTN: Mr. Lee Bretney  
P.O. Box 942898  
Sacramento, CA 94298-0001

CHP will accept written comments between May 11, 2011 and May 27, 2011. Written comments must be submitted to CHP no later than 4:45 p.m., May 27, 2011. Please limit comments to the modifications only.

All written comments received which pertain to the indicated change, will be reviewed and responded to by CHP's staff as part of the compilation of the rulemaking file.

## **AVAILABILITY OF INFORMATION**

The CHP has available for public review a modified statement of reasons for the proposed regulatory action, the information upon which this action is based (the rulemaking file), and the modified proposed regulation text. Requests to review or receive copies of this information should be directed to the CHP at the above address, by facsimile at (916) 332-3154 or by calling the CHP, Commercial Vehicle Section (CVS), at (916) 843-3400. Facsimile requests for information should include the following information: the title of the rulemaking package, the requester's name, proper mailing address (including city, state, and zip code), and a daytime telephone number in case the information is incomplete or illegible.

The rulemaking file is available for inspection at the CHP, CVS, 601 North 7th Street, Sacramento. Interested parties are advised to call for an appointment.

Any person desiring to obtain a copy concerning the written materials pertaining to the proposed regulations may request them at the above noted address. Copies will also be posted at [www.chp.ca.gov](http://www.chp.ca.gov).

## **CONTACT PERSON**

Any inquiries concerning the written materials pertaining to the proposed regulations should be directed to Mr. Lee Bretney, CHP, CVS, at (916) 843-3400. Inquiries regarding the substance of the proposed regulations should also be directed to Mr. Lee Bretney or Gary Ritz.

## **ADOPTION OF PROPOSED REGULATIONS**

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or nonsubstantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL  
J. B. RODRIGUEZ, Chief  
Enforcement and Planning Division